

REMARKS

CLAIM STATUS

Claims 25-38, 40-45, 47, and 48 are now pending. Claims 1-24, 39, and 46 have been canceled without prejudice or disclaimer. Claims 33, 34, and 40-45 have been withdrawn from consideration. Claims 25, 32, and 35 are independent and have been amended as have dependent claims 26-31 and 36-38. Claims 47 and 48 have been added. Support for these claim amendments and additions appears at least in Figs. 3-5 and 8-10 such that no new matter has been introduced.

SUMMARY OF THE OFFICE ACTION

The outstanding Office Action is a non-final Action that withdraws claims 33, 34, and 40-45 from further consideration. The outstanding Office Action also acknowledges acceptance of the drawings filed on August 8, 2006, the claim for foreign priority, the receipt of the priority documents, and consideration of the references cited by the IDS papers filed September 6, 2006, and January 23, 2008.

The outstanding Office Action also presents objections to the specification and claims 28, 31, 39, and 46, a rejection of claims 25 and 35 under the second paragraph of 35 U.S.C. § 112, and various prior art based rejections encompassing claims 25-32, 35-38 and 46.

OBJECTION TO THE SPECIFICATION

Item 2 on page 2 of the outstanding Office Action sets forth the above-noted objection to the specification that was apparently based on the originally filed specification that included internal references to particular claim numbers. However, the Preliminary Amendment filed August 8, 2006, included a Substitute Specification that replaced the original specification. As the Substitute Specification is believed to have removed all internal references to particular claim numbers, the withdrawal of this objection is respectfully requested.

OBJECTION TO CLAIMS 31, 39, AND 46

Item 3 on page 2 of the outstanding Office Action first notes that claims 39 and 46 are duplicates of claim 31 and subject to an eventual objection to claims 39 and 46 under 37 C.F.R. § 1.75 should claim 31 be allowed. This potential objection of claims 39 and 46 is moot as these claims have been canceled.

Item 4 on page 3 of the outstanding Action objects to claims 31, 39 and 46 based upon an allegation that they do not further limit the subject matter of a previous claim and therefore violate 37 C.F.R. § 1.75(c). This objection of claims 39 and 46 is moot as these claims have been canceled. This objection is traversed as to amended claim 31.

Amended claim 31 is submitted to further limit claim 28 from which it now depends by specifying that “the ion injection device” (that is incorporated based on the dependency of claim 28 from claim 25) must be “positioned so that the ionized gas flows there from in a direction toward the gap through which the edge portion of the board is inserted into the cleaning case.” Accordingly, the withdrawal of this objection to claim 31 is respectfully requested.

OBJECTION TO CLAIM 28

Item 5 on page 3 of the outstanding Action objects to claim 28 based upon an allegation that the language of this claim does not agree with the showing of Fig. 3 of the application. As claim 28 as amended recites that “the cleaning case has a gap having dimensions sized to permit entry of the edge portion of said board through the gap into the cleaning case to engage with the bristles of the brush” and as this language is clearly in agreement with the showing of Fig. 3, withdrawal of this objection is respectfully requested.

35 U.S.C. §112, ¶ 2, REJECTION OF CLAIM 25 AND 35

Item 7 on page 4 of the outstanding Action presents the above-noted rejection of claims 25 and 35 under the second paragraph of 35 U.S.C. § 112.

This rejection is respectfully submitted to have been overcome by the present amendments made as to claims 25 and 35 that adopt the suggestion in the outstanding Action indicated to be sufficient to overcome this rejection. With regard to claim 35, the

claim has been amended to change the preamble language of a “cleaning device for cleaning a device” to avoid confusion as to which device is being referenced in the body of the claim by now reciting a “cleaning apparatus for cleaning an edge portion of a device, the cleaning apparatus comprising.” The preambles of claims 36-38 have likewise been changed to recite “cleaning apparatus.” Accordingly, withdrawal of the rejection of claims 25 and 35 under the second paragraph of 35 U.S.C. § 112 is respectfully requested.

35 U.S.C. §102 REJECTION OF CLAIMS 25, 26, 29, 31, 32, 39, and 46

Item 9 on page 4 of the outstanding Action presents the above-noted rejection of claims 25, 26, 28, 29, 31, 32, 39, and 46 under 35 U.S.C. § 102(b) as being anticipated by Kiefer (U.S. Patent No. 3,986,223). This rejection is considered to be moot as to canceled claims 39 and 46 and is traversed as to the other claims.

Turning to amended independent claim 25, this amended claim requires, among other things, “a brush having bristles that are at least partly surrounded by walls forming a cleaning case, the bristles being dimensioned to extend from a brush support portion so as to contact just the edge portion of said board when the edge portion of the board is positioned for cleaning.”

To whatever extent that Kiefer teaches both brushes 30 and abrasive covering 28 to include bristles, there is no teaching in Kiefer of the amended independent claim 25 requirement to dimension any of these brush bristles to enable them to “contact just the edge portion of said board” or even just an “edge portion” of the paper feed stock that the Kiefer device 10 is designed to clean. Further in this regard, the customary meaning of “edge” that is consistent with the use of that term in this application, is “the narrow part adjacent to a border” See definition 2(b) of “edge” presented by “Meriam-Webster.com/dictionary.” The Kiefer feed stock is not reasonably interpreted to be cleaned along an “edge”

In this regard, it is well established that in giving any claim term its broadest reasonable interpretation the plain meaning (ordinary and customary meaning) must be used. See MPEP §2111.01III. when plural definitions of a term exist, it is necessary to consult the specification and the context in which the claim language is used to determine

which of several possible dictionary definitions apply. Note the following from *Feruson Beauregard/Logic Controls v. Mega Systems, LLC*, 350 F.3d 1327, 1338, 69 USPQ2d 1001, 1009 (Fed. Cir. 2003):

In construing claim terms, the general meanings gleaned from reference sources, such as dictionaries, must always be compared against the use of the terms in context, and the intrinsic record must always be consulted to identify which of the different possible dictionary meanings is most consistent with the use of the words by the inventor.

Moreover, amended independent claim 25 requires that the “ion injection device” must “receive compressed gas” and then “provide an ionized compressed gas flow.” The devices 32 and 34 of Kiefer are simply disclosed at col. 3, lines 57-59, and col. 4, lines 45-50, to be ion devices to produce ions to neutralize charges on the stock (paper) 14 and include no teachings as to providing any ionized compressed gas flow.

Amended independent claim 32 requires, among other things, “a drive mechanism structured to linearly drive the cleaning case with the fixed position brush in a direction parallel to a direction that the edge portion extends so that the linear movement of the cleaning case moves the fixed brush along the inserted edge portion of said board.” On the other hand, Kiefer teaches diving the stock 14 through the cleaning device 10 at col. 2, lines 54-58.

Accordingly, amended independent claims 25 and 32 recite features not taught or suggested by Kiefer and the rejection of these amended independent claims as being anticipated by Kiefer under 35 U.S.C. § 102(b) is without merit and should be withdrawn.

As dependent claims 26, 28, 29, and 31 all ultimately depend from and, thus, include all limitations of parent amended independent claim 25, these dependent claims patentably define over Kiefer for at least the same reasons that parent amended independent claim 25 does. Thus, the rejection of these dependent claims as being anticipated by Kiefer is clearly unreasonable and should also be withdrawn.

35 U.S.C. §103 REJECTION OF CLAIM 27

Item 12 on page 5 of the outstanding Action presents the above-noted rejection of claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Kiefer in view of Ernst et al. (U.S. Patent No. 6,543,078, hereinafter “Ernst”).

Ernst is cited as to the subject matter added by claim 27 that depends indirectly from amended independent claim 25 and does not cure the deficiencies noted above as to the reliance on Kiefer with respect to amended independent claim 25. Accordingly, dependent claim 27 is respectfully submitted to patentably define over the applied references for at least the same reason that parent amended independent claim 25 does. Therefore withdrawal of this improper rejection of dependent claim 27 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kiefer in view of Ernst is respectfully requested.

35 U.S.C. §103 REJECTION OF CLAIMS 30 AND 35-37

Item 14 on page 6 of the outstanding Action presents the above-noted rejection of claims 30 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Kiefer in view of Sroka (U.S. Patent No. 3,915,737).

With regard to claim 30, it is noted that claim 30 depends directly from amended independent parent claim 25. It is also noted that Sroka is cited as to the subject matter added by claim 30 as to the nature of the bristles and does not cure the deficiencies noted above as to the reliance on Kiefer with respect to amended independent parent claim 25. Accordingly, dependent claim 30 is respectfully submitted to patentably define over the applied references for at least the same reason that parent amended independent claim 25 does. Therefore withdrawal of this improper rejection of dependent claim 30 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kiefer in view of Sroka is respectfully requested.

Turning to amended independent claim 35, it is noted that this amended independent claim is like amended independent claim 25 in terms of also requiring, among other things, “an ion injection device receiving a compressed gas and positioned to provide an ionized flow of the compressed gas.” Once again, it is noted that the devices 32 and 34 of Kiefer are simply disclosed at col. 3, lines 57-59, and col. 4, lines 45-50, to be ion devices to produce ions to neutralize charges on the stock (paper) 14 and include no teachings as to providing any ionized compressed gas flow.

It is also again noted that the customary meaning of “edge,” that is consistent with the use of this term in this application, has not been considered in the outstanding Action

reliance on the device 10 of Kiefer. In this regard, Kiefer does not teach anything but a cleaner 10 that cleans across the entire width of feed stock-paper.

Sroka is again noted to be cited as to the nature of the bristles and does not cure the above-noted deficiencies as to the reliance on Kiefer. Accordingly, independent claim 35 is respectfully submitted to patentably define over the applied references and the withdrawal of this improper rejection of independent amended claim 35 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kiefer in view of Sroka is respectfully requested.

As claims 36 and 37 directly depend from and, thus, include all the limitations of parent amended independent claim 35, dependent claims 36 and 37 patentably define over Kiefer in view of Sroka for at least the same reasons that parent amended independent claim 35 does. Thus, the rejection of dependent claims 36 and 37 as being unpatentable over Kiefer in view of Sroka under 35 U.S.C. § 103(a) is clearly unreasonable and must also be withdrawn.

35 U.S.C. §103 REJECTION OF CLAIM 38

Item 17 on page 7 of the outstanding Action presents the above-noted rejection of claim 38 under 35 U.S.C. § 103(a) as being unpatentable over Kiefer in view of Sroka in further view of Ernst.

Ernst is cited as to the subject matter added by claim 38 that depends directly from amended independent claim 35 and does not cure the deficiencies noted above as to the reliance on Kiefer in view of Sroka with respect to amended independent claim 35. Accordingly, dependent claim 38 is respectfully submitted to patentably define over the applied references for at least the same reason that parent amended independent claim 35 does. Therefore withdrawal of this improper rejection of dependent claim 38 under 35 U.S.C. §103(a) as being allegedly unpatentable over Kiefer in view of Sroka in further view of Ernst is respectfully requested.

NEW CLAIMS 47 AND 48

As new claims 47 and 48 directly and indirectly depend from amended independent parent claim 32, these new dependent claims include all the limitations

thereof. Thus, new dependent claims 47 and 48 are respectfully submitted to patentably define over the applied references for the same reasons that parent amended independent claim 32 does.

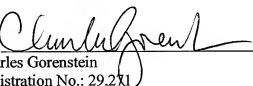
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Raymond F. Cardillo, Jr., Reg. No. 40,440 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: February 18, 2010

Respectfully submitted,

By: 
Charles Gorenstein
Registration No.: 29,211
BIRCH, STEWART, KILASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia
(703) 205-8000
Attorney for Applicant